

ORIGINAL

United States District Court  
Central District of California

UNITED STATES OF AMERICA vs.

Defendant GABRIEL FALCO

akas: GABRIEL RAYMOND FALCO, GABRIEL

RAYMOND FULCO, GABRIEL LEVENSON

& Residence 14 Deerfield Way

Address Amagansell, NY 11930

Docket No. CR99-761-LGB

Social Security No. 112-40-5258

Mailing Address: Same

**JUDGMENT AND PROBATION/COMMITMENT ORDER**

In the presence of the attorney for the government, the defendant appeared in person, on this date: April 29, 2002

COUNSEL: XX WITH COUNSEL Robert Ramsey, co-counsel, retained

PLEA: XX GUILTY, and the Court being satisfied that there is a factual basis for the plea.        NOLO CONTENDERE        NOT GUILTY

FINDING: There being a FINDING of GUILTY, defendant has been convicted as charged of the offense(s) of: Misprision of a Felony in violation of 18 USC 4, as charged in Count 1 of the Single-Count Information.

**JUDGMENT AND PROBATION/COMMITMENT ORDER:**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that:

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, which is due immediately.

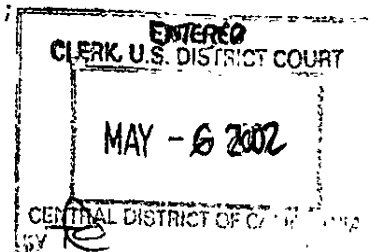
It is ordered that the defendant shall pay to the United States a total fine of \$250.00. The fine shall be paid in monthly installments of at least \$15.00 during the term of probation, beginning 60 days after entry of this judgment.

Pursuant to 18 USC 3612(f)(3)(A), interest on the fine is waived as it is found that the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 USC 3612(g).

The defendant shall comply with General Order No. 01-05.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby placed on probation on Count 1 of the Single-Count Information for a term of two (2) years under the following terms and conditions:

- 1) The defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318;
- 2) The defendant shall participate in outpatient substance abuse treatment and submit to drug testing, as instructed by the Probation Officer. The defendant shall abstain from using illicit drugs and abusing prescription medications during the period of supervision;



United States District Court  
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vs

GABRIEL FALCODATE: April 29, 2002

Defendant

## JUDGMENT AND PROBATION/COMMITMENT ORDER

(CONTINUED FROM PAGE 1)

- 3) As directed by the Probation Officer, the defendant shall pay all or part of the costs of treating the defendant's drug dependency to the aftercare contractor during the period of community supervision, pursuant to 18 USC 3672. The defendant shall provide payment and proof of payment as directed by the Probation Officer; and
- 4) During the period of community supervision, the defendant shall pay the special assessment and fine in accordance with this judgment's orders pertaining to such payment.

The Court notifies the defendant of his right to appeal.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release set out on the reverse side of this judgment be imposed. the Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

Signed by: U.S. District Court Judge

  
LOURDES G. BAIRD

It is ordered that the Clerk deliver a certified copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter, Clerk

Dated/Filed April 30, 2002By   
Catherine M. Jeang, Courtroom Deputy

**U.S.A. vs GABRIEL FALCO****Docket No.: CR99-761-LGB**

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page(s) pursuant to General Orders 318 and 01-05.

**Statutory Provisions Pertaining to Payment and Collection of Financial Sanctions**

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15<sup>th</sup>) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
  - Private victims (individual and corporate),
  - Providers of compensation to private victims,
  - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

**Special Conditions for Probation and Supervised Release**

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

U.S.A. vs GABRIEL FALCODocket No.: CR99-761-LGB**STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE**

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependants and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall not possess a firearm or other dangerous weapon;
16. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

These conditions are in addition to any other conditions imposed by this Judgment.

**RETURN**

I have executed the within Judgment and Commitment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

Defendant noted on appeal on \_\_\_\_\_

Defendant released on \_\_\_\_\_

Mandate issued on \_\_\_\_\_

Defendant's appeal determined on \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

DATED: \_\_\_\_\_

UNITED STATES MARSHAL

BY: \_\_\_\_\_

**CERTIFICATE**

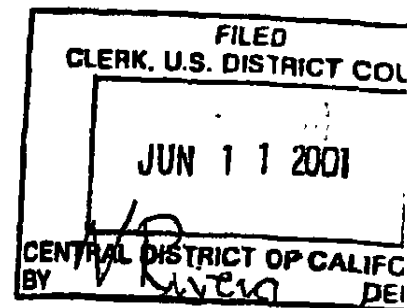
I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

DATED: \_\_\_\_\_

CLERK, U.S. DISTRICT COURT

BY: \_\_\_\_\_

Catherine M. Jeang, Deputy Clerk

**COURT Copy**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IN THE MATTER OF THE )  
ADOPTION OF SENTENCING )  
ORDERS AND CONDITIONS )  
OF PROBATION AND SUPERVISED )  
RELEASE PERTAINING TO )  
FINANCIAL SANCTIONS )  
\_\_\_\_\_ )

General Order No. 01-05

The Judges of the Central District of California adopt the following sentencing orders to apply in every case in which a fine or restitution has been ordered, and adopt the following conditions of probation and supervised release to apply in every case in which probation or supervised release is imposed in addition to the imposition of a fine or restitution. A judge may impose such other conditions the judge deems advisable, consistent with law, including, but not limited to, General Order 318.

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General Order No. 01-05

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General Order No. 01-05

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DATED: June 11, 2001